

Austin, Texas
May 26, 1987

TO THE SENATE OF THE SEVENTIETH TEXAS LEGISLATURE IN REGULAR
SESSION:

Pursuant to Article IV, Section 14 of the Texas Constitution, I hereby return Senate Bill 217 to the Senate and respectfully request that notice be taken of the following objections:

Under Texas law, deferred adjudication is available in the discretion of the court where a criminal defendant pleads guilty or *nolo contendere*. This procedure is a restricted form of probation that can later be expunged to avoid the legal disabilities attendant to a criminal conviction.

The limited availability of deferred adjudication under current Texas law reflects a policy of conserving scarce judicial and prosecutorial resources based on the practical understanding that this procedure will often be utilized by prosecutors as a means of securing a guilty plea in the plea bargaining process. *Reed v. State*, 659 S.W.2d 840 (Tex. Crim. App. 1983). Senate Bill 217 would make deferred adjudication available to criminal defendants who are convicted over a plea of not guilty. To expand availability of deferred adjudication across-the-board would defeat the policy underlying this procedure by encouraging more contested criminal trials. If allowed to become law, Senate Bill 217 would take a valuable tool from the hands of Texas prosecutors at a time when public funds are scarce and increasing crime is a major concern to all Texans.

For the foregoing reasons, I hereby veto Senate Bill 217.

Respectfully submitted,


William P. Clements Jr.
Governor